

REMARKS

Claims 13-17 are currently pending in this application. Claim 15 has been amended by adding a period to the end of the claim. Claims 1-12 and 19-20 have been previously canceled without prejudice while claim 18 has been previously withdrawn.

Claims 13 and 15-17 stand rejected as being allegedly anticipated by U.S. Patent No. 5,814,176 to Proulx. Claim 14 stands rejected as being allegedly unpatentable over Proulx in view of U.S. Patent No. 3,607,509 to Schrenk or in view of U.S. Patent No. 4,540,537 to Kamp.

The undersigned maintains that none of the cited references disclose or suggest a system configured to form at least two elementary filaments, the first opening and the second opening further configured such that a bead of the polymer material exiting a die opening in the group contacts with at least one other bead of polymer material exiting another die opening in the group as recited in claim 13. The undersigned also maintains that none of the cited references disclose or suggest a die plate in a system configured such that polymer from the die exiting the first opening forms a first bead and polymer from the die exiting the second opening forms a second bead, wherein the first bead and the second bead are in contact with one another as recited in claims 16 and 17.

As to claim 13, the January 30, 2004, Office action has declined to give any weight to the underlined portion of the cited claim language, arguing that it “merely recites the process of operating the apparatus in such a way that two beads contact one another,” and that “[t]he method of operation taught by Proulx ... does not serve to differentiate the structure taught by Proulx from the structure claimed.” In response, the undersigned submits that claim 13 is drawn to a *system* that is *configured* as such, and, thus, the cited language further defines the claimed invention. In fact, failing to give this language weight in a patentability analysis is actually contrary to settled Federal Circuit precedent, which provides that claim language that includes “adapted to,” “whereby,” and “thereby” may not simply be excluded from a patentability analysis of a claim. See PAC-TEC., Inc. v. Amerace Corp., 903 F.2d 796, 801 (Fed. Cir. 1990). For at least this reason, claim 13 and its dependent claims are patentable over the cited references.

As to claims 16 & 17, reconsideration is also requested based upon the same notion, that patentable weight must be afforded the language that follows the *configured such that* language in the claims; to do otherwise would be contrary to law.

CONCLUSION

In view of the above remarks, the Applicants respectfully assert that each of the pending claims are in condition for allowance and, therefore, request reconsideration and withdrawal of all outstanding rejections and allowance of all pending claims.

Respectfully submitted,

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